

MEMORANDUM OF LAW

DATE: March 31, 1986

TO: Ed Ryan, Auditor and Comptroller

FROM: City Attorney

SUBJECT: Relationship of the Housing Commission to the
Auditor and Comptroller's Office

You have requested comments from this office as to your duties and responsibilities, if any, with regard to the San Diego Housing Commission.

In 1968, pursuant to the Housing Authorities Law as set forth in Section 34200 et seq. of the Health and Safety Code of the State of California, the City Council adopted a resolution creating the Housing Authority of the City of San Diego. A copy of the resolution is attached. The Housing Authority is a State agency and is governed by the provisions of 34200 et seq. and not the City Charter. The City Council has declared itself to be the Commissioners of the Housing Authority. The bylaws of the Housing Authority, copy attached, designate the Executive Director as the Secretary and specify that the Secretary shall keep the records and have care and custody of all funds of the Authority. See Article II, Section 4.

The City Manager, or his designated representative, was appointed as the Secretary and Executive Director of the Housing Authority in 1968. See Resolution No. 6 attached.

In 1979, in connection with the formation of the San Diego Housing Commission, Ben Montijo was designated as the Executive Director of both the Housing Authority and the Housing Commission. Therefore, Ben Montijo, or his designated representative, is presently the Secretary of the Housing Authority and is responsible under the bylaws for keeping legal books of accounts and custody of funds.

Prior to 1979, the Housing Authority operated with the advise of a Housing Advisory Board. In 1979 the City Council determined to create a housing commission pursuant to the provisions of

Sections 34290 through 34292 of the Health and Safety Code, copy attached. The Housing Commission's powers and duties are set forth in Section 98.0301 of the City's Municipal Code.

Basically, the City Council delegated the vast majority of the administrative functions of the Housing Authority to the Housing Commission, requiring Housing Authority approval only for

such basic items as approval of the annual contributions contracts from HUD, approval of an annual budget for the Housing Commission, and approval of proposed long-term leases or conveyances of Housing Commission property.

There are no existing agreements between the City or the Housing Authority and the Housing Commission such as those between the Redevelopment Agency and SEDC and CCDC. It does not appear, therefore, that the City Auditor has been delegated with any authority or duty with regard to the Housing Authority and Housing Commission.

JOHN W. WITT, City Attorney

By

Harold O. Valderhaug

Deputy City Attorney

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Attachments 4

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